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Sam A. Schmidt, Esq.

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March 2, 2025

Honorable Lewis A Kaplan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *United States v. Matthew Queen*,  
24 Cr. 291 (LAK)

Dear Honorable Judge Kaplan:

This letter is submitted in response to the government's letter received at 11:03 PM on February 26, 2025. This letter will correct the factual errors made in the government's submission and respond to some of its incorrect and inaccurate assumptions and conclusions.

The government chose not to address the background of the events set forth in Dr. Queen's submission that led to his wrongful conduct claiming it was "not pertinent" to his culpability.<sup>1</sup> Certainly it does not impact Dr. Queen's criminal responsibility for his criminal conduct but it does assist in understanding how a person who has led a lawful and moral life, beloved by so many people he has been in contact with, could act in such a foolish and unlawful manner. Dr. Queen's conduct resulted from a series of events and helps demonstrate that he will never repeat such conduct again.

As noted in the original submission and sealed documents, the level of tension and fear was substantial at the Southwestern Baptist Theological Seminary

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<sup>1</sup> The government attempts to infer that Seminary staff believed that an "oral report" of sexual abuse by a student was within the ambit of the subpoena. Subpoenas either request personal appearance or documents, not conversations. Providing a copy of the subpoena would resolve any question.

(hereinafter “SWBTS”) as a result of various problems that included finances, the lawsuit involving a prior president and the original investigation of all Southern Baptist Convention entities by the government. The events relating to the allegation of sexual abuse by a student simply added to it. Clearly, Dr. Queen was impacted by it as noted in some letters submitted to Your Honor and discussed in the original submission.

The government incorrectly claimed that at the time of the service of the subpoena in November 2022, Dr. Queen was the Interim Provost. (Government Submission (hereinafter “GS”) at 1. He did not become the Interim Provost until January 1, 2023. Approximately three weeks later, the administration, including him, became aware of the arrest warrant for a student. Thus, his first significant issue as interim Provost was a difficult and complex one.

The government claims that the recommendation by the United States Department of Probation that Dr. Queen receive a sentence of one year probation is a variance. GS at 3. The undisputed offense level for Dr. Queen is 4, which is in Zone A, and his criminal history category is I. Under U.S.S.G. §5B1.1(a)(1)(1), probation is authorized if the applicable guideline range is in Zone A of the Sentencing Table. It is. The minimum term of probation is one year. U.S.S.G. § 5B1.2(a)(1) and 18 U.S.C. § 3561(c).

The government claims that “the defendant insists that his conduct had no ill effect.” GS5. As to the police investigation into the sexual abuse allegations, his conduct had no impact. As noted in the original submission, when Employee-1 spoke with the friend of the victim of the alleged sexual abuse, the Burleson Police Department investigated the complaints, was prepared to go to a judge for a warrant of arrest and the victim was being cared for.<sup>2</sup> He was not even aware of the allegation until after the alleged perpetrator was arrested on the warrant.<sup>3</sup>

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<sup>2</sup> Dr. Queen means no disrespect to the victim of the alleged abuse. Counsel uses the term “alleged abuse” because the alleged perpetrator’s case was dismissed and as of today there has been no grand jury action.

<sup>3</sup> Dr. Queen’s conduct had nothing to do with the investigation and prosecution of the complaint of sexual abuse by the Burleson police Department and the County’s District Attorney. The only involvement he had relating to the student was in denying the student’s appeal of his suspension. Nevertheless, media covering the Southern Baptist Convention has repeatedly accused him of protecting abusers, often in vulgar terms.

Importantly, Dr. Queen recognizes that the Southern Baptist Convention, including SWBTS, has had a history of covering up and minimizing sexual abuse allegations. He opposes such cover-ups and has always supported victims of such abuse. When the opportunity has arisen, he has acted on behalf of those who were abused.

The most recent time was this past Fall while on administrative leave from Friendly Avenue Baptist church. A woman [REDACTED] told his wife and him about her experience. Both Dr. Queen and his wife explained to the woman how important it was to report the abuse both for herself and the community. Dr. Queen also noted that as a mandatory reporter his obligation was to report it if she did not. After their discussion, the woman agreed to have them call the police on her behalf, and both Matthew and Hope Queen stayed with her while she spoke to a local police officer. Dr. Queen also gave other information to the police officer and explained that, as a mandatory reporter, he was facilitating her report.

In March 2023, one of Dr. Queen's student came to him for counseling because Dr. Queen was not just a professor but he also was a pastor. The student recounted how he was abused by a partner, included sexual abuse, at another college in a different State. Dr. Queen encouraged him to report the conduct to the proper authorities in the other State and would assist him in any way to do so. See Exhibit L.<sup>4</sup>

Another example occurred in 2018-19 while he was a professor at SWBTS. [REDACTED], Dr. Queen learned that during a youth trip outside the country, the 18 year old son of the pastor had improper sexual contact with a younger boy. The pastor also sought to help that son become a youth worship leader at another church. The pastor tried to intimidate the younger boy's mother to keep the abuse secret.

Dr. Queen spoke to the boy's mother, apologized for the way the family had been treated. Because the event occurred in a foreign country, reporting to the authorities was not an option. However, the pastor was an adjunct professor at the Seminary. Believing that such a man should not be teaching at the Seminary, Dr. Queen met with the leadership of the Seminary. As a result, the mother was contacted and she explained the circumstances. The pastor was fired mid-semester,

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<sup>4</sup> Because the nature of these events, documents relating to abuse will be filed under seal.

an unusual occurrence.<sup>5</sup>

In mid-February 2023, an administrative employee reported to Dr. Queen that one of his employees was told by a student that a SWBTS employee had committed verbal, emotional, spiritual, physical, and sexual abuse against another individual. Dr. Queen acted immediately and informed the President.

*The meeting the Dr. Queen recorded with Employee 1 was mostly about the conduct of employee, [REDACTED]. Numerous times during the conversation Employee 1 complained of the inaction of some of the administrators. Dr. Queen explained that as soon as he learned about [REDACTED] and then [REDACTED], he placed [REDACTED] on leave within 36 hours and began an investigation.*<sup>6</sup>

Dr. Queen also sought assistance from his other administrators concerning his obligations pursuant to the DOJ's subpoena and whether law enforcement should be contacted. Exhibit N.

As to the government's investigation into the document and what was said to Employee-1, counsel characterized its impact as "not substantial." The government also claimed that the statement in his submission that he "corrected his falsehood on his own... deeply misleading," GS at 5, and "only came clean about the events he actually witnessed—specifically the January 26, 2023 meeting with Employee-1 and Employee-2—when he was brought to New York to testify before the grand jury." GS at 4. The initial conversations the government had with potential witnesses was on May 22, 2023 and the government claims that lied about what he remembered about the conversation.<sup>7</sup> The grand jury presentation was later scheduled for June 21, 2023.

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<sup>5</sup> Counsel spoke to the mother of the child who confirmed the account. Counsel also spoke to Dr. Stewart, the professor who took over the course that the pastor was teaching. He also confirmed the events.

<sup>6</sup> An excerpt of the recording relating to this is Exhibit M that is provided separately from the other exhibits. Should Your Honor wish the entire recording, counsel will make it available.

<sup>7</sup> At the May 22, 2023 interview, Dr. Queen was not asked about the notes. Both the attorney representing him and the legal liaison with the government at SWBTS, Employee-3, told Dr. Queen that he had to make available to the government all writing relating to sexual abuse, including his notes. See Exhibit N.

Two days after the initial conversation with the government Dr. Queen spoke with the attorney representing him and told him that he remembered more of what Employee-2 said to Employee-1.<sup>8</sup> [REDACTED] That was before the government informed the attorney by email that they wanted Dr. Queen and others to travel to New York and would forward a grand jury subpoena for June 21, 2023. Exhibit P. On June 1, 2023, the attorney communicated that information to the government. Exhibit Q. Thus, the government's statement when Dr. Queen "came clean" is clearly wrong.<sup>9</sup>

The government was able to proceed with its presentation to the grand jury on June 21, 2023. Dr. Queen testified without immunity before the grand jury and his testimony included more of what Employee-2 said. Dr. Queen was later indicted, citing some of his testimony in the grand jury. Of course, Dr. Queen does not contend that the above excuses his conduct, but it is not clear how Dr. Queen's conduct "dragged out the government's investigation and distracted "substantial" resources better spent elsewhere."<sup>10</sup> GM at 5.

*The government's statement that Dr. Queen's recording the conversations of Employee-1 (on February 22, 2023) and Employee-3, the liaison with DOJ (on May 2, 2023) was "an apparent attempt to corroborate his purported lack of recollection of the January 26, 2023 meeting" is simply speculation and is*

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<sup>8</sup> [REDACTED]

<sup>9</sup> The government stated that Dr. Queen testified that Employee-2's tone was "stern" and serious" when he said to make the Document "go away" and "*this conversation never happened.*" GS at 2. The grand jury transcript reflects that characterization was asked only about "go away" and not the other. In fact, Employee-1 characterized the other statement as made in joking manner. Exhibit R, 3513-05 page 2. No one has stated that Employee-2 ordered the document to be destroyed.

<sup>10</sup> As to the offense of conviction, lying about the date that the notes were written, the notes were forwarded to the government in June 2023 and the originals given to them on June 20, 2023. The notes and report of S.A. McGuire for June 20, 2023 state that Dr. Queen told the government it was written in April 2023, and admitted that he lied on June 21, 2023 because he wrote the notes shortly before sending it by email to his attorney on May 26, 2023.

wrong.<sup>11</sup> It was Employee-1 that requested the meeting with Dr. Queen to discuss her concerns. This meeting occurred a little over a week after the February 13, 2023 meeting of administrators where there were disputes over what was actually said and months before the DOJ investigation. Dr. Queen did not want there to be any dispute of what was said in his conversation with Employee-1 so he recorded the conversation.<sup>12</sup>

As to the May 2, 2023 meeting with Employee-3, the SWBTS liaison with the DOJ regarding the earlier subpoena, it was he who had asked Dr. Queen to meet with him to discuss what to expect when questioned by DOJ.<sup>13</sup>

## Conclusion

Matthew Queen does not claim his wrongful conduct was a singular event. He did many things that were wrong but it was an exception to how he has led his life. He lied to colleagues, moral wrongs for which he is apologetic, remorseful and has repented. For the wrongs that were violations of law, he is equally apologetic, remorseful and has repented. The government, by its errors, misstatements and omissions leave an inaccurate portrayal of who Matthew Queen and what he has done. He does not dispute what he did was wrong, but he is not the devious and shrewd criminal that the government seeks to portray. He is, indeed, the same man as described by so many who know and love him who has made mistakes that he will never forget.

If counsel's objections seem petty, unnecessary or overdone, I apologize. Counsel believes a fully accurate account of the background of the events is important to understand how this kind, caring and decent person made mistakes. We hoped that it made it clear that his intent had nothing to do with the investigation into the sexual abuse allegations and that there was no intent to cause

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<sup>11</sup> Dr. Queen gave copies of the recordings to the government but kept a copy for himself. Dr. Queen had provided counsel with copies prior to receiving copies as discovery. Though it would not be subject to the protective order, in an excess of caution we have redacted reference to it and filed it under seal.

<sup>12</sup> [REDACTED]

<sup>13</sup> Many employees at SWBTS had serious issues with Employee-3 and did not trust him. [REDACTED]

any suffering to anyone.

The government seeks a sentence of supervision that includes home confinement. If such a recommendation by the government had been made for any of the hundreds of clients I have represented in federal court over the past forty years, including a few before Your Honor, I would have been thrilled. For Matthew Queen it is unnecessary. For the past eight months, he had limits placed on his ability to fully perform his role as a pastor and it was necessary for him to resign as a pastor at his church in November. For the past approximately four months, he has been unable to seek employment for the job he loves and feels blessed to do. If he is confined to his home, it will make it extraordinarily difficult to seek a new position, visit those who seek his solace in their homes, in hospitals or in their church. It will make it difficult for him to travel to other communities to share his beliefs with others. It will present financial difficulties for his family, his wife and two daughters. It is simply more than is necessary to satisfy the sentencing goals under federal law.

Thank you for Your Honor's consideration.

Sincerely yours,

/s/

Sam A. Schmidt  
Attorney for Matthew Queen

# EXHIBIT N



**From:** Matt Queen [/o=ExchangeLabs/ou=Exchange Administrative Group  
[REDACTED]]  
**Sent:** 5/27/2023 12:00:08 PM  
**To:** bpoe [REDACTED]  
**CC:** Employee 3 [REDACTED]  
**Subject:** Fwd: Application process?  
**Attachments:** Screenshot\_20230527\_114450\_Messages.jpg; Screenshot\_20230527\_114455\_Messages.jpg

Dear Brian,

I'm going to send Employee 3 the other emails I mentioned (37 of them) for context. The person never mentioned "rape" in them like they did this time. They appeared to be more, weird religious ramblings and a request to apply to our school. The person's emails from last week suggested to us that he/she is mentally ill. If you want the other emails, I can send them, but I don't want to clog your inbox up unless you want them.

I have also attached a screenshot of texts last week between [REDACTED], and me about the previous emails for you and Employee 3.

Employee 3 I can print the screenshotted texts for you if you want me to.

I have another one (separate issue) I'll give you on Tuesday.

*Still With Christ, After the Lost,*

**Matt Queen**

*Interim Provost and Vice President for Academic Administration*

*Professor and L. R. Scarborough Chair of Evangelism ("Chair of Fire")*

**Southwestern Baptist Theological Seminary**

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**From:** Matt Queen [REDACTED]  
**Sent:** Saturday, May 27, 2023, 11:35 AM  
**To:** BIT <BIT@swbts.edu>; Employee 3 [REDACTED]  
**Subject:** Fwd: Application process?

I was copied on this email today. Although it is from a different name, it contains the same writing patterns and use of "Kimberly" as last weekend's emails. This time, however, it mentions something about rape.

A few questions. First, does the mention of that word mean I should report this to the [REDACTED] Texas police department or another police department? I want to report this if it meets the criteria of mandatory reporting. Please advise.

Second, due to the title, "Application Process," should I respond and ask this person to fill out the application with [REDACTED] code?

I have copied Employee 3 on this email for his input, as well. I will forward him all the emails from last week.

Please advise me on what steps we need to take. Thank you.

*Still With Christ, After the Lost,*

**Matt Queen**

*Interim Provost and Vice President for Academic Administration*

*Professor and L. R. Scarborough Chair of Evangelism ("Chair of Fire")*

**Southwestern Baptist Theological Seminary**

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11:44

5G 92%

< [REDACTED] **Mass text** 3 ▾ ⋮

Saturday, May 20

[REDACTED]  
Employee 1 thinks it is just a phishing email. Want me to send it to [REDACTED]

MMS  
7:27 PM

I have no idea what to do. It sounds to me like this person is suffering from mental illness. I'm not sure that it is phishing because she didn't request our personal information and it's interesting that she would know about the chair of fire in her first email. I tend to agree with your email asse

MMS  
7:31 PM

View all &gt;

Thank you for responding here and in email, [REDACTED]. I didn't know what to do.

MMS  
7:32 PM

[REDACTED]  
[REDACTED] agrees with no response right now.

MMS  
7:45 PMMMS  
7:45 PM

Thank you!

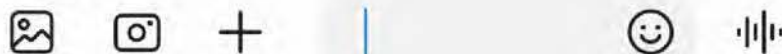


Exhibit P

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**From:** Kelly, Jacqueline (USANYS) 2 <[REDACTED]>  
**Sent:** Thursday, June 1, 2023 10:50 PM  
**To:** Brian Poe <[REDACTED]>; [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) [REDACTED]; Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** Re: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

Brian and [REDACTED]

Thanks for the call today. Here's what we like to do: first, we'd like to do a Webex (video) interview with [REDACTED] <sup>Employee 3</sup> next Friday 6/9. Then we'd like to keep [REDACTED] <sup>Employee 1, ...</sup> and Queen as planned for the 20th and 21st in Manhattan. And finally, either at the end of that week or the following, we'd like to schedule [REDACTED] and [REDACTED].

Let us know if 6/9 works.

Thanks,  
Jackie

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**From:** Brian Poe <[REDACTED]>  
**Sent:** Wednesday, May 31, 2023 2:19:47 PM  
**To:** Kelly, Jacqueline (USANYS) 2 <[REDACTED]>; [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) <[REDACTED]>; Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** RE: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

Received. Thank you.

CONFIDENTIAL

SWBTS 0000057

Thanks,  
Brian D. Poe, Attorney at Law PLLC

[REDACTED]

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**From:** Kelly, Jacqueline (USANYS) 2 [REDACTED]  
**Sent:** Wednesday, May 31, 2023 12:48 PM  
**To:** Brian Poe [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** RE: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

Thanks, talk to you then. Please use this dial-in:

[REDACTED]

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**From:** Brian Poe [REDACTED]  
**Sent:** Wednesday, May 31, 2023 12:54 PM  
**To:** Kelly, Jacqueline (USANYS) 2 [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** RE: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

4:30pm (ccntal) tomorrow works for us.

Thanks,  
Brian D. Poe, Attorney at Law PLLC

[REDACTED]

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**From:** Kelly, Jacqueline (USANYS) 2 [REDACTED]  
**Sent:** Wednesday, May 31, 2023 11:13 AM  
**To:** [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** Re: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

I can talk tomorrow at 5:30 eastern/ 4:30 central if that works. For the interviews, let's discuss. I think it may make more sense to wait until the privilege issue is resolved and my schedule is pretty tight on Friday.

Thanks,  
Jackie

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From: [REDACTED]  
Sent: Wednesday, May 31, 2023 12:09:08 PM  
To: Brian Poe [REDACTED] Kelly, Jacqueline (USANYS) 2 [REDACTED]  
Cc: Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
Subject: RE: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

We will make <sup>Employee 3</sup> [REDACTED] available following the conclusion of [REDACTED] and [REDACTED].

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From: Brian Poe [REDACTED]  
Sent: Wednesday, May 31, 2023 11:00 AM  
To: Kelly, Jacqueline (USANYS) 2 [REDACTED]  
Cc: Keenan, Lindsey (USANYS) <[REDACTED]> Maguire, Kelly (NY) (FBI) [REDACTED]  
Subject: RE: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

**EXTERNAL SENDER ALERT - This message originated outside the [REDACTED] domain. Please exercise caution when opening attachments, following links or responding to this message.**

Jackie,

Any chance you have time to chat with [REDACTED] and I tomorrow afternoon?

Also, regarding interviewing [REDACTED] does Friday morning work at around 8:30am (central)?

Thanks,  
Brian D. Poe, Attorney at Law PLLC

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From: Kelly, Jacqueline (USANYS) 2 [REDACTED]  
Sent: Friday, May 26, 2023 2:13 PM  
To: Brian Poe [REDACTED]  
Cc: Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
Subject: Re: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

June 21 would be the GJ date in person in Manhattan, we'd likely want to prep with them the day before (6/20). It's possible [REDACTED] and <sup>Employee 1</sup> [REDACTED] would not testify but just meet with us again but we'd like to schedule the time with the grand jury. We expect to put Queen in the grand jury.

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From: Brian Poe [REDACTED]  
Sent: Friday, May 26, 2023 3:10:00 PM  
To: Kelly, Jacqueline (USANYS) 2 [REDACTED]  
Cc: Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
Subject: [EXTERNAL] RE: SWBTS grand jury and follow-up interviews

Jackie,

Just to clarify, are you wanting to meet in person on June 21 or via zoom? Also, when do you plan on having them appear before the grand jury? I'm just trying to figure out scheduling.

Thanks,  
Brian D. Poe, Attorney at Law PLLC



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**From:** Kelly, Jacqueline (USANYS) 2 [REDACTED]  
**Sent:** Friday, May 26, 2023 2:06 PM  
**To:** [REDACTED] Brian Poe [REDACTED]  
**Cc:** Keenan, Lindsey (USANYS) [REDACTED] Maguire, Kelly (NY) (FBI) [REDACTED]  
**Subject:** SWBTS grand jury and follow-up interviews

[REDACTED] and Brian,

Thanks for your time this week. As previewed, we would like to meet again with Dr. [REDACTED] <sup>Employee 1</sup> Dr. Queen, and [REDACTED]. We plan to send grand jury subpoenas for their appearances in New York and would like to meet with them beforehand. Please let us know if **Wednesday June 21** presents any significant challenges for scheduling.

In addition, we would like to set up Webex (zoom) interviews with [REDACTED] and [REDACTED]. Would it be possible to set those up for the end of next week?

Happy to discuss further on Tuesday. Hope you both enjoy the long weekend.

Thanks,  
Jackie

Jacqueline C. Kelly  
Co-Chief, Civil Rights Unit, Criminal Division  
United States Attorney's Office  
Southern District of New York



# EXHIBIT Q



From: [Kelly, Jacqueline \(USANYS\) 2](#)  
To: [Kelly, Jacqueline \(USANYS\) 2](#)  
Subject: SWBTS Call notes - 6/1/23  
Date: Thursday, July 13, 2023 9:37:00 AM

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Lindsey Keenan, Jackie Kelly, Kelly Maguire  
Brian Poe/ [REDACTED]

[REDACTED] MQ [REDACTED] GJ scheduled for 6/21

Matt Queen – BP has spoken to him at length

- He has notebook with notes from that date, meeting after chapel
- Has meeting with [REDACTED], gets instructions on how to respond to the victim in the [REDACTED] situation
- After chapel mtg, the conversation is initially about responding to the victim
  - MQ gives [REDACTED] the instructions from [REDACTED] Employee 2
- [REDACTED] starts talking about documents he gave to [REDACTED]
- MQ starts looking at his phone
- He remembers various statements: this needs to go away ([REDACTED] E-2) the only copy is the one you have on my computer [REDACTED] E-1 we didn't have that conversation [REDACTED] E-2
  - Nothing about this raises any red flags
- After the privileged meeting in Feb, he goes to [REDACTED] and says that [REDACTED] E-1's statements weren't consistent and that he couldn't trust her
- A few days later, [REDACTED] E-1 reached out MQ
  - MQ recorded the meeting in his office on his phone
  - In that recording, MQ said he didn't recall the meeting that way, and she said well we are all under a lot of stress
- BP will produce that material including the recording

[REDACTED]

[REDACTED]

# EXHIBIT R

31C-NY-3614336

(U) Interview of [REDACTED] on  
Continuation of FD-302 of 02.05.2024, On 02/05/2024, Page 2 of 3

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Her notes reflected that when he told her to make the document go away, it was not said in a joking manner. When he told her, "We're not having this conversation," she took it in a joking manner or a nervous laugh.

[REDACTED]

[REDACTED]

[REDACTED]